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9 RECEIVED

UNITED STATES DISTRICT COURT

10 SEP 29 2006

NORTHERN DISTRICT OF CALIFORNIA

11 SAN JOSE DIVISION

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 WILLIAM CLINTON JONES,

16 Defendant.

No. CR 06-70585 HRL

17 STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING PRELIMINARY
18 HEARING/ARRAIGNMENT AND
EXCLUDING TIME FROM RULE 5.1
AND THE SPEEDY TRIAL ACT
CALCULATION (18 U.S.C.
§ 3161(h)(8)(A))

19 This matter is scheduled before the Court for a preliminary hearing or arraignment on
20 October 12
21 ~~October 4~~, 2006 before United States Magistrate Judge Trumbull. The parties now jointly
22 request that this matter be continued in order for the parties to explore a pre-indictment
23 resolution of this case, and for the defense to have an opportunity to receive and review
24 discovery. The parties jointly request a continuance until Thursday, October 19, 2006 before the
25 duty magistrate judge to allow defense counsel the reasonable time necessary to confer with his
26 client and discuss discovery materials in this case in order to effectively prepare, and also to
27 allow the parties to discuss a potential pre-indictment resolution of the case.

28 In light of the above, the parties agree, and the Court finds and holds, as follows:

STIPULATION AND [PROPOSED] ORDER
CR 06-70585 HRL

1 1. The preliminary hearing or arraignment in this matter is continued to October 19,
2 2006 at 9:30 a.m. before the duty magistrate judge.

3 2. Time should be excluded under Rule 5.1 from ~~October 4~~ ^{October 12}, 2006 to October 19,
4 2006 in order to allow defense counsel time to confer with his client and to review the discovery
5 to be produced in this case. The parties agree that the continuance is proper under Rule 5.1 of the
6 Federal Rules of Criminal Procedure and 18 U.S.C. § 3060.

7 3. The time between ~~October 4~~ ^{October 12}, 2006 and October 19, 2006 is excluded under the
8 Speedy Trial Act. The parties agree that the failure to grant the requested continuance would
9 unreasonably deny defense counsel reasonable time necessary for effective preparation, taking
10 into account the exercise of due diligence. Finally, the parties agree that the ends of justice
11 served by granting the requested continuance outweigh the best interest of the public and the
12 defendant in a speedy trial and in the prompt disposition of criminal cases. 18 U.S.C. §
13 3161(h)(8)(A).

14 STIPULATED:

15 DATED: 9/28/06

/s/
PETER LEEMING
Attorney for Defendant Jones

16
17
18 DATED: 9/28/06

/s/
JOSEPH A. FAZOLI
Assistant United States Attorney

19
20 IT IS SO ORDERED.

21 DATED: 9/29/06

HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE